

REMARKS

In the last Office Action, claims 1-8 were allowed and claims 9-17 were rejected under 35 USC §112, sixth paragraph, as purportedly not specifying a function for the "means" and the claims were otherwise indicated to be allowable if amended to overcome the rejection.

Applicants and Applicants' attorney acknowledge with appreciation the allowance of claims 1-8 and the indication of allowability concerning claims 9-17 subject to overcoming the rejection under 35 USC §112, sixth paragraph.

In accordance with this amendment, independent claim 9 has been amended to make more clear that the function of the "means" is "for defining a back pressure space." Applicant respectfully submits that even without amendment of the claim to include "for", claim 9 does fully comply with the requirements of 35 USC §112, sixth paragraph.

It is a notoriously common claim drafting technique to define a hole, groove, opening, space, etc. as means defining a hole, groove, opening, space, etc. and in such cases, the function of the "means" is that of defining the hole, groove, opening, space, etc. This is true whether or not the word "for" is used in the means clause.

By way of example, annexed hereto are copies of the cover and claim pages of U.S. Patent Nos. 6,929,457; 6,419,457 and 5,411,385 (which is a patent of record). In U.S. Patent

No. 6,929,457, claim 11 recites a gas compressor and includes the recitations "means defining an arcuate groove" and "means defining a high pressure supplying hole." In U.S. Patent No. 6,419,457, claim 25 includes the recitation "means defining a fluid path." In U.S. Patent No. 5,411,385, claim 1 includes the recitations "means defining...an inlet port", "means defining...an outlet port", "means for defining...an oil reservoir" and "means defining...oil passages". In each instance, the function of the "means" is that of defining a groove, hole, fluid path, inlet port, outlet port, oil reservoir and oil passages.

Likewise, in the case of claim 9 in the present application, the function of the "means" is that of defining a back pressure space. To make this function more clear, the claim has been amended to include the word "for" so that the means clause recites "means...for defining a back pressure space." As evidenced by the annexed patent claims, the expressions "means defining..." and "means for defining..." are both commonly used.

In the event applicants and applicants' attorney have misunderstood the Examiner's objection, it is respectfully requested that the Examiner telephone the undersigned attorney to resolve this formal issue.

The minor amendment made herein to claim 9 clearly does not raise a new issue that would require further search or consideration. To the contrary, claim 9 has only been amended in a minor formal respect to add the word "for" to make more clear the function of the "means" thereby overcoming the rejection under 35 USC §112, sixth paragraph.

In light of the foregoing, favorable reconsideration and entry of this amendment together with passage of the application to issue are respectfully requested.

Respectfully submitted,

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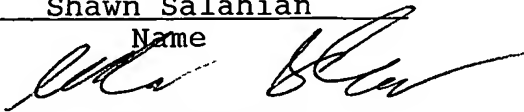
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Name



Signature

July 21, 2006

Date